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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/731,721 | DOBIE ET AL. | |
| | Examiner | Art Unit | |
| | Fred Prince | 1724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 1, 2005.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on July 1, 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

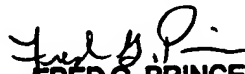
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
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| <ol style="list-style-type: none">1. <input type="checkbox"/> Notice of References Cited (PTO-892)2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none">5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____7. <input type="checkbox"/> Examiner's Amendment/Comment8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance9. <input type="checkbox"/> Other _____ |
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FRED G. PRINCE
PRIMARY EXAMINER
7/19/25

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REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: A typographical error appeared in the original reasons for allowance of claim 1. Specifically, the examiner intended to indicate that a system including an anoxic tank which receives treated sewage falls outside the scope of the instant invention. The corrected reason for allowance of claim 1 is provided below.

Per claim 1, while it is known in the art to provide an anoxic pretreatment tank adapted to receive sewage having a mixture of solids and liquids, wherein said sewage within said anoxic tank separates into a sludge layer, a scum layer, and a liquid effluent layer between said sludge layer and said scum layer, wherein said anoxic tank is adapted to provide some effluent denitrification (see US Pat No 6,299,774 to Ainsworth et al.), and it is known in the art to provide a granular fixed film denitrification reactor connected to an anoxic tank, said denitrification reactor being adapted to denitrify a liquid effluent and provide some biochemical oxygen demand (BOD) removal from said effluent, and a membrane bioreactor connected to said denitrification reactor, said membrane bioreactor adapted to provide ultra and micro filtration of a denitrified effluent, retain biomass for BOD removal and nitrification, wherein said anoxic tank effluent is passed from the anoxic tank to the denitrification reactor for denitrification, wherein a denitrified effluent is passed from the denitrification reactor to the membrane bioreactor for filtration (see US Pat No 6,692,642 to Josse et al.), in the examiner's opinion, the prior art fails to teach or render obvious combining the known teachings in such a way that the anoxic tank is adapted to receive raw untreated sewage with an

Art Unit: 1724

expectation of acceptable functioning. Accordingly, a system utilizing an anoxic tank adapted for receiving treated sewage would fall outside the scope of the instant invention. The instant invention eliminates the need for treatment of the sewage prior to being fed to the anoxic tank.

Claim 11 is allowed for the reasons provided in the Office Action mailed April 7, 2005.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571) 272-1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fred Prince
Primary Examiner
Art Unit 1724

fgp
7/19/05